

**FIFTEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 16, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Martin. Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

**Committee Reports.**

(See Appendix.)

**Senator Excused.**

On motion of Senator Patton, Senator Cousins was excused for today and tomorrow, on account of death in the family.

**Free Conference Committee Report.**

Senator Small sent up the following Conference Committee report:

Committee Room,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conferees on H. B. No. 2, appointed to adjust the differences between the House and the Senate on same, beg leave to report that we have agreed upon the differences between the two Houses and

recommend the following bill to be adopted.

SMALL,  
WOODRUFF,  
ONEAL,  
WOODWARD,  
MOORE.

On part of the Senate.

BROOKS,  
HUBBARD,  
HARMAN,  
WEINERT,  
WAGSTAFF.

On part of the House.

By Brooks, Farrar, H. B. No. 2.  
Hubbard, Stevenson.

**A BILL****To Be Entitled**

An Act acknowledging the legal, moral and implied obligation of the State to compensate and reimburse Counties and Defined Road Districts for expenditures on highways now and heretofore constituting a part of the system of State Highways; providing for the repayment to, and compensation and reimbursement of, Counties and Defined Road Districts, for their aid and assistance to the State in the construction of a system of State Highways; and determining the amount of same; providing for the purchase from, and compensation to, the Counties and Defined Road Districts for their interest and equities in the system of State Highways; declaring a State policy with reference to the construction and maintenance of a system of State Highways from a source of income other than ad valorem taxes; providing for the control, construction and maintenance of a system of State Highways at State expense, and permitting the Counties to furnish rights of way; providing for the allocation of the occupation or excise tax on the business of selling gasoline; providing that all moneys hereafter deposited to the credit of the "State Highway Fund" shall be subject to appropriation for certain purposes; defining the terms "Defined Road District," "Road District," "District," and the expression "Road" or "Roads," as used in this Act; creating, and defining the powers and duties of, a "Board of County and District Road Indebtedness;" creating the

"County and Road District Highway Fund," and providing that said fund shall be deposited with the State Treasurer, from time to time, out of one-fourth (1-4) of the occupation or excise tax on the business of selling gasoline; prescribing the nature of the obligations of the Counties and Road Districts that are eligible for payment under the Terms of this Act, and providing for the manner of ascertaining the extent of such eligible obligations, and the method of payment; making the State Treasurer Ex-Officio County Treasurer for the Counties and Defined Districts for certain purposes, and prescribing his duties as such; providing for refunding County and/or Road District Bonds under certain contingencies; providing for Accountants and Clerical Assistants for the Board of County and District Road Indebtedness, providing for the compensation therefor, and making an appropriation to defray the expenses incident thereto; authorizing the County Commissioners Courts to adjust the collection of taxes; providing for an appropriation of moneys deposited to the credit of said County and Road District Highway Fund, with the State Treasurer, up to September 1st, 1933, for application on the payment of principal, interest and sinking fund on eligible obligations of the Counties and Road Districts of the State maturing from January 1st, 1933 to September 1st, 1933, and providing for a separate appropriation out of said fund for application on the payment of principal, interest and sinking fund on eligible obligations of Counties and Road Districts maturing on and from September 1st, 1933 to and including December 31st, 1933, and providing that each year thereafter, until all such eligible obligations of said Counties and Road Districts are fully paid, all moneys coming to the credit of said County and Road District Highway Fund, and all moneys remaining therein from the previous year, shall be subject to appropriation for application on the payment of principal, interest and sinking fund maturing from time to time on said eligible obligations; providing that no pro-

vision of this Act shall be construed to authorize the giving or lending of the credit of the State to any County or Road District, or lending the credit of the State for the payment of any outstanding indebtedness of the Counties or Districts, and providing that all of said eligible obligations shall remain obligations of the respective Counties or Districts which issued them; providing that the State does not assume the payment of any obligation; repealing Sections 3, 6 and 7 of Senate Bill No. 74, Chapter 186, General Laws of the Regular Session, 39th Legislature; providing for the repeal of any and all laws or parts of laws in conflict with the provisions of this Act; providing that any portion of this Act that may be declared invalid shall not affect any other portion or portions; and declaring an emergency.

Whereas, the ownership and control of all designated State Highways are vested in the State, and the construction and maintenance of same are functions of the State; and,

Whereas, the State, over a period of years, by legislative enactment, exercised such powers and functions through the several counties and defined road districts of the State as its agencies for said purposes, and later resumed full and sole administrative control of, and jurisdiction over, the laying out, establishment, construction and maintenance of all public roads which were, or might become, a part of the system of designated State Highways, and vested in the State Highway Department such full and sole control and jurisdiction; and,

Whereas, at all of such times an economic necessity existed for speedily developing and extending the system of designated State Highways; and,

Whereas, the State lacked sufficient funds to adequately prosecute said purpose, and the counties and defined road districts of the State, pursuant to authority of the Legislature, aided the State in the development, construction and maintenance of said system of State Highways, and furnished and contributed money to the

State, through the issuance of bonds and warrants and otherwise lending their credit for said State improvements, all for the use and benefit of the State, which retained full administrative control of, and jurisdiction over, such roads, and the State now desires to take over and acquire and/or purchase and retain all interest and equities of the various counties and defined road districts in and to such roads which constitute and comprise a part of the system of designated State Highways; and to reimburse, compensate and repay said counties and defined road districts to the extent and in the manner hereinafter set out for the cost incurred by said agencies in thus aiding the State.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby expressly recognized and declared that all highways now or heretofore constituting a part of the system of State Highways which have been constructed in whole or in part from the proceeds of bonds, warrants or other evidence of indebtedness issued by counties of the State of Texas or by defined road districts of the State of Texas under the laws authorizing the same, have been and are, and will continue to be, beneficial to the State of Texas at large, and have contributed, and will contribute, substantially to the general welfare, settlement and development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed, and still rests, upon such counties and defined road districts and their inhabitants, and both a legal and a moral obligation rest upon the State to compensate and reimburse such counties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses, all for the use and benefit of the State.

It is further declared to be the policy of the State to take over, acquire and/or purchase and retain the interest and equities of the various counties and defined road districts in and to the roads constituting a part of the system of designated State Highways and to reimburse said counties and districts therefor and to provide for the ac-

quisition, establishment, construction, maintenance, extension and development of the system of designated State Highways of Texas from some source of income other than the revenues derived from ad valorem taxes. And it is hereby determined that the further provisions of this Act constitute a fair, just and equitable compensation, repayment and reimbursement to said counties and defined road districts for their aid and assistance to the State in the construction of a system of State Highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State.

Sec. 2. By the expression "defined road district" or "road district" or "district", used in this Act, is meant any defined road district of the State or any Justice or Commissioner's precinct acting as a road district or any road district located in one, or more than one, county. By the expression "road" or "roads," as used in this Act, is meant roads, road beds, bridges, and culverts; but same shall not be construed to include the cost of right of way of any road within the terms of this Act.

Sec. 3. That Sections 3, 6 and 7 of Senate Bill No. 74, Chapter 186 of the General Laws of the Regular Session of the 39th Legislature, be and the same are hereby in all things repealed; but this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the Commissioners Court of any county, for such county, or for any defined road district.

Sec. 4. All further improvement of said State Highway System shall be made under the exclusive and direct control of the State Highway Department and with appropriations made by the Legislature out of the State Highway Fund. Surveys, plans and specifications and estimates for all further construction and improvement of said System shall be made, prepared and paid for by the State Highway Department. No further improvement of said System shall be made with the aid of or with any moneys furnished by the counties, except the acquisition of rights of

way which may be furnished by the counties, their sub-divisions or defined road districts. But this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the Commissioners Court of any county, for such county, or for any defined road district. In the development of the System of State Highways and the maintenance thereof, the State Highway Commission shall, from funds available to the State Highway Department, provide:

(a) For the efficient maintenance of all highways comprising the State System.

(b) For the construction, in cooperation with the Federal Government to the extent of Federal Aid to the State, of highways of durable type of the greatest public necessity.

(c) For the construction of highways, perfecting and extending a correlated system of State Highways, independently from State Funds.

Sec. 5. All moneys now or hereafter deposited in the State Treasury to the credit of the "State Highway Fund," including all Federal Aid money deposited to the credit of said Fund under the terms of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said System of State Highways by the State Highway Department.

Sec. 6. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the 41st Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the 42nd Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the 42nd Legislature; and, beginning with said taxes collected on and after October 1st, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as

provided by law, in the proportion as follows: One-fourth ( $\frac{1}{4}$ ) of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth ( $\frac{1}{4}$ ) of same shall go to, and be placed to the credit of, a fund to be known as the "County and Road District Highway Fund"; the remainder of such occupation or excise taxes shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas.

Sec. 7. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on and after January 1st, 1933, and in so far as amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constitute and comprise a part of the system of designated State Highways upon the effective date of this Act, or that heretofore constituted a part of said System, and which has been either changed, relocated, or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations, or both; and all bonds, warrants or other evidences of indebtedness which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State Highway pursuant to a contract existing on or before September 1st, 1932, between the State Highway Department and any such county or district shall be eligible to participate, on and after January 1st, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act, less, however, the amount of the sinking funds which was required to be accumulated in such funds of the respective counties and districts under existing laws and under the provisions of the Statutes and orders of the Commissioners Courts authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run, regardless of whether the full amount of

said funds are actually on hand and to the credit of the sinking funds of the several counties and defined road districts.

It being expressly provided in this connection that the term "sinking funds" shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any County or Road District above the legal requirements. The amount of such eligible indebtedness is to be determined as hereinafter provided. In the event the State Highway Commission has, on a date prior to the effective date of this Act, indicated its intention of designating as State Highways the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply.

(b) For the purpose of administering the provisions of this Act there is hereby created a Board of County and District Road Indebtedness which shall consist of the State Highway Engineer, the State Comptroller of Public Accounts, and the State Treasurer of the State of Texas. The State Comptroller of Public Accounts shall be the Secretary of the said Board and said Board shall select its own Chairman from its membership. The Board shall adopt its own rules consistent with this Act for the proceedings held hereunder and shall have authority to call to its assistance, in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employee of this State. The Board of County and Road District Indebtedness shall have access to all County and State Records pertinent to its inquiry in arriving at the amounts of the bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

(c) The County Judge of each county shall furnish to the State Comptroller of the State of Texas, within thirty (30) days after the effective date of this Act, a complete list and description of each and every issue of county or road

district bonds, warrants, or other evidences of indebtedness, the proceeds of which, in whole or in part, were expended in the construction of roads that now constitute or heretofore constituted a part of the system of designated State Highways, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations. Said list and description shall contain the name of the county or road district issuing the same, the date of issuance, the rate of interest, the original amount of obligations issued, whether the same were sold at one time or in installments, the amount of said indebtedness already paid by the county or district, the amount of said indebtedness outstanding at the time of the effective date of this Act, the amount of said indebtedness which will mature on and after January 1st, 1933, the dates of maturities of said obligations and of coupons appertaining thereto, the place of payment of said evidences of debt as fixed therein, the amount of accumulated sinking funds held by such county to the credit of each issue of such obligations, and the amount of sinking funds which was required to be accumulated in such funds of the respective counties and districts, under existing laws, and the provisions of the Statutes and orders of the Commissioners Court, authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of the issuance thereof, for the time such obligations have run, regardless of whether the full amount of said funds is actually on hand and to the credit of the sinking funds of the counties and defined road districts, the name of each road upon which any part of the proceeds of said obligations were actually expended and how much of same were actually expended upon each road, the date or dates of such expenditures as shown by the county records, and from time to time shall furnish to the State Comptroller such other data and information as may be requested by the State Comptroller or by the Board of County and District Road Indebtedness. The State Comptroller of the State of Texas and the Chairman of the State Highway Commission, from time to time, shall furnish to said Board of County and District Road

Indebtedness such data and information as said Board may deem necessary and appropriate for the performance of its duties under this Act.

(d) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission, and by the State Comptroller, and from such further investigation as said Board may deem necessary, to ascertain and determine the amount of indebtedness eligible under the provisions of this Section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof have been expended partly on designated State Highways, or highways heretofore constituting designated State Highways, and partly on roads which never have been designated State Highways, said Board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State Highways or on roads heretofore constituting State Highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the County Judge by said Board, and the Commissioners Court of said county shall determine by resolution which particular obligations of said issue shall be finally listed with said Board as eligible for participation in said moneys or whether, at the option of said Commissioners Court, all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys, and the Commissioners Court of the County shall promptly send to said Board a certified copy of said resolution. The ascertainment and determination by the Board of County and District Road Indebtedness, after reasonable notice and hearing, of the amount of any county or district obligations eligible under the provisions of this Act to participate in any moneys coming into the County and Road District Highway Fund, or as to the

amount of any obligations the proceeds of which were actually expended on State Highways, or on roads heretofore constituting State Highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

(e) The Comptroller shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest, and places of payment for each county and each defined road district; each issue and the data pertaining to same shall be listed separately. The Comptroller shall keep a record of all vouchers issued.

(f) The State Treasurer shall keep a separate account, for each county and defined road district, of any moneys received for the credit of said county or district pursuant to the provisions hereof.

(g) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be the eligible indebtedness of each county and each defined road district, and a copy thereof shall be furnished to each County Judge in this State.

(h) As soon as practicable after the effective date of this Act, the Board of County and District Road Indebtedness shall ascertain and determine the sum necessary to pay the interest and principal maturing on and from January 1st, 1933, up to September 1st, 1933, as well as sinking fund requirements, on all eligible obligations, as defined in this Act, and shall estimate the sum which shall be applicable to the same; and said Board shall also ascertain and determine the sum necessary to pay the interest and principal maturing from September 1st, 1933 to December 31st, 1933, both inclusive, as well as sinking fund requirements, on all eligible obligations as defined in this Act, and shall estimate the sum which shall be applicable to the same; and thereafter from year to year, at least thirty (30) days prior to September

1st of each year, said Board shall ascertain and determine the sum necessary to pay interest and principal maturing, and sinking fund requirements, on all eligible obligations for the next succeeding calendar year, and shall estimate the sum which shall be applicable to the same, and the Board, in each instance, shall certify the sums so ascertained and determined to the State Treasurer. After the Board shall estimate the amount applicable to interest, principal and sinking fund requirements, the Comptroller shall give notice to the County Commissioners Court of each County of the estimated amount available for application to said interest, principal and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any County or Road District is sufficient to meet all maturing principal, interest and sinking fund requirements, the County Commissioners Court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing principal, interest and sinking fund requirements, the County Commissioners Court shall collect, from taxes on the property in said respective counties and districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection, it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or district and the owner or holder of the present outstanding indebtedness of any such county and/or defined road district, shall not be in any manner disturbed or impaired, and shall remain inviolate. Any tax heretofore provided for to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied and collected as originally provided; however, the collection of said tax may, by order of the Commissioners Court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such in-

debtedness out of the special County and Road District Highway Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provision therefor. The proceeds of any taxes collected for this purpose shall be remitted by the County Treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer, and shall be held by the State Treasurer, as Ex-Officio Treasurer of said County or Road District, for the benefit of the county or district remitting same and disbursed to meet the principal and interest requirements on the eligible obligations of said county or district. The County Commissioners Court as an alternative, subject to the approval of the Board of County and District Road Indebtedness, may, as provided by law, authorize the issuance of refunding obligations for the purpose of refunding any part or all of the amount of principal of eligible obligations maturing during the current year in excess of the sum available in the County and Road District Highway Fund applicable to interest and principal on eligible indebtedness of the particular county or road district. Provided that the Board of County and Road District Indebtedness shall not approve any such refunding bonds as eligible to participate in the County and Road District Highway Fund, unless such refunding bonds bear as low, or lower, rate of interest than that borne by the original bonds or warrants refunded, and the maturity date of such refunding bonds and/or warrants shall not extend more than ten (10) years beyond the maturity date of the original bonds and/or warrants. In the event the amount of funds available to be applied to meet the maturing principal, interest and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the moneys available in the County and Road District Highway Fund, as estimated and determined by the Board, shall be, for that calendar or fiscal year, first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties

and districts; and if there is more of said moneys available than necessary to pay all of said interest, then balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

(i) The County Commissioners Court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued, shall be eligible obligations within the meaning of this Act, if said Board of County and Road District Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. In any instance where, in the opinion of said Board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and Road District Highway Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if said county or road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board, said obligations so required to be refunded shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said Board with respect to refunding the same shall be complied with. Provided that no commission, bonus or premium shall be paid by any county or road district for the refunding of such obligations and no County Treasurer shall receive any commission for the handling of the funds derived from the refunding of such obligations.

(j) All moneys deposited to the credit of the County and Road District Highway Fund, with the State Treasurer, up to September 1st, 1933, are hereby appropriated to

said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as Ex-Officio Treasurer of said respective Counties and road districts, to the payment of the principal, interest and sinking fund requirements on all eligible obligations maturing on and from January 1st, 1933, to September 1st, 1933. All moneys remaining in said fund after payment of all eligible obligations maturing on and from January 1st, 1933, to September 1st, 1933, and sinking fund requirements, are hereby appropriated to said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as Ex-officio Treasurer of said respective counties and road districts, to the payment of principal, interest and sinking fund requirements on all eligible obligations maturing from September 1st, 1933, to December 31st, 1933, both inclusive. And each year thereafter, until all of such eligible obligations are fully paid, all moneys coming in to the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as Ex-Officio Treasurer of said counties and districts, and shall be subject to appropriation for the payment of principal, interest and sinking fund maturing from time to time on said eligible obligations. As payment of principal or interest becomes due upon any such eligible obligation, the State Comptroller of Public Accounts shall issue his warrants to the State Treasurer for the payment thereof; and the State Treasurer shall pay same by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants shall state on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, giving the name of the county or district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the paying agent, bank or trust company to return to the Comptroller such obligations and interest coupons when same are paid, and the Comptroller shall,



upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the Commissioners Court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

(k) Expense necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State in the construction of designated State Highways, and in the discharge of the duties devolved for the payment of such obligations, shall be paid from the County and Road District Highway Fund, upon the approval of the said Board by warrant of the State Comptroller; and the sum of \$25,000.00 out of said Fund, or so much thereof as may be necessary, is hereby appropriated for that purpose. The Chief Accountant shall receive a salary not to exceed Two Hundred Fifty Dollars (\$250.00) per month; Auditors shall receive a salary not to exceed Two Hundred Dollars (\$200.00) per month; and Bookkeepers and/or Bond Clerks not to exceed One Hundred Fifty Dollars (\$150.00) per month; Stenographers and/or Clerks not to exceed One Hundred Dollars (\$100.00) per month, said salaries to be fixed by said Board.

Sec. 8. No provision of this Act shall ever be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible obligations, as herein defined, shall remain obligations of the respective counties or defined road districts which issued them and said counties or districts shall remain liable on said obligations according to their terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas, directly or indirectly or contingently, for the payment of any of such obligations or that the State of Texas should assume the payment of any of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such

holders have any rights to enforce the appropriations of any of the moneys hereinabove provided for, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State Highways and to provide for the use and application by said counties and districts of the moneys to which they shall become or be entitled under the provisions of this Act. It is the intention of this Act to make two (2) several, separate, and distinct appropriations of funds from the County and Road District Highway Fund, each of which will be entirely independent of the other. First, an appropriation, as hereinbefore made, to pay the principal, interest, and sinking fund on all eligible obligations maturing on and from January 1st, 1933, to September 1st, 1933, the end of the current statutory fiscal year. Second, an appropriation, as hereinbefore made, to pay the principal, interest and sinking fund on all eligible obligations maturing on and from September 1st, 1933, to December 31st, 1933, inclusive. No part of said County and Road District Highway Fund shall be used after December 31st, 1933, unless the Legislature shall hereafter make a specific appropriation in accordance with the provisions of Section 6, Article 8 of the Constitution, it being the legislative intent to confine the appropriation for use within the Constitutional limit of two (2) years. If either one of the two appropriations herein made should be held to be invalid, nevertheless the other appropriation will be administered as herein provided.

Sec. 9. If succeeding Legislatures shall carry out the policy herein defined by authorizing a similar appropriation of County and Road District Highway Funds, from time to time, then whenever the interest and principal necessary to retire the outstanding bond indebtedness owing for designated State Highways shall have been fully paid as herein provided, for any county or defined road district according to the provisions of this Act, then and in that event, the title and possession of all roads, roadbeds, bridges and culverts, in

such county or defined road district which are included in the system of designated State Highways, shall automatically vest in fee simple in the State of Texas, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right of way, or any part thereof, has been abandoned because of the abandonment of such road for all public road purposes, and such right of way, or any part thereof, was donated by the owner of the land for right of way purposes, then and in that event the fee simple title shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State Highway or part thereof; but, in the event the State Highway Commission shall change or abandon any State Highway in any county, the Commissioners Court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission.

Sec. 10. If any provision, part, section, sub-section, sentence, clause, phrase or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 11. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 12. The fact that counties and defined road districts of this State should be immediately given the compensation and reimbursement provided for in this Act and that such relief and reimbursement cannot be given them without the passage of this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in both Houses be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and, or motion of Senator Small, laid on the table subject to call.

#### Senate Simple Resolution No. 27.

Senator Stevenson sent up the following resolution:

Whereas it is the consensus of opinion that the adoption of the 40 Hour Labor Week is desirable, in order to meet the situation arising from the over supply of labor, due to the rapid invention and use of labor saving machinery, and

Whereas, if such a movement becomes general it must be through the States instead of the Federal Government inasmuch as it is a State problem,

Therefore be it Resolved that a copy of this resolution be mailed to each of the Governors of the 48 States so that, if he sees fit, he may submit this question to the next Legislature in his State, either for the purpose of enacting legislation or amending the constitution of his State, so as to enable the State to enact legislation to the end that if a large percentage of the States agree on the proposition it may be generally adopted.

STEVENSON,

Read and adopted.

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 5, Relative to investigating the activities of the Cooperative Agriculture Marketing Association.

(With amendments as substituted.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 15, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 51 by a vote of 112 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

H. C. R. No. 16, requesting the  
Governor to return H. B. No. 22 to  
the House for correction.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has refused to concur in Senate  
amendments to H. B. No. 53.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has concurred in Senate Amend-  
ments to H. B. No. 55 by a vote  
of 119 yeas and 1 nay.

The House has adopted the fol-  
lowing resolutions:

H. C. R. No. 10, Granting permis-  
sion to D. N. Brooks to sue the State  
for personal injuries received while  
an employee of the State Highway  
Department.

S. C. R. No. 9, Memorializing the  
Secretary of the United States De-  
partment of Agriculture and the  
Congress of the United States to take  
such definite steps as necessary to  
properly regulate and control the op-  
eration of cotton exchanges.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has adopted the Free Conference  
Committee report on H. B. No. 2 by  
a vote of 124 yeas and 4 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 48.

Senator Poage called up from the  
table:

By Mr. Satterwhite:

H. B. No. 48, A bill to be entitled  
"An Act providing for the execution  
of surety company bonds by county  
tax collectors in special cases, pro-  
viding for the payment of premium  
on those bonds in certain counties;  
and providing for weekly remit-  
tances of county and State taxes by  
county tax collectors, and special  
reports by tax collectors and county  
depositories to be furnished upon the  
request of the Comptroller or the  
commissioners court as to funds in  
their hands and special remittances  
thereof to safeguard funds in their  
hands and protect their bondsmen,  
providing penalties, and declaring  
an emergency."

Senator Poage sent up the follow-  
ing amendment:

Amend H. B. No. 48, by striking  
out all of Section 3 thereof as now  
written and by inserting in lieu  
thereof the following:

Sec. 3. That a new article be  
added to the 1925 Revised Civil  
Statutes to be known as Article  
7249A, to read as follows:

Article 7249A. On Monday of  
each week each county tax collector  
shall pay over to the county treas-  
urer ninety per cent of all taxes  
collected for the county during the  
preceding week, and pay over to the  
State Treasurer ninety per cent of  
all taxes collected for the State dur-  
ing the preceding week.

The commissioners court of any  
county, or the Comptroller of Pub-  
lic Accounts, may at any time in  
their discretion call upon the tax  
collector for a sworn statement as  
to the amount of his collections  
made during the current month, and  
for a report as to the amount of  
taxes in the county depository be-  
longing to the county or State, and  
direct that ninety per cent of those  
funds be transferred to the county  
or State Treasury. The commis-  
sioners court or the Comptroller  
may at any time require a sworn  
report from the depository as to the  
amount of funds in their hands  
under the control of the tax col-  
lector. Failure or refusal of a tax  
collector to make the remittances  
as provided in this Act within three  
days from the date due, or to render

the statements required herein, within three days after receiving notice to do so, shall constitute a misdemeanor and shall be punished by a fine not to exceed Two Hundred Dollars.

POAGE.

The amendment was read and adopted.

The bill was passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Martin. Woodward.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Martin. Woodward.

H. C. R. No. 16.

The Chair laid before the Senate the following resolution:

H. C. R. No. 16, Recalling H. B. No. 22 to the House.  
Read and adopted.

Free Conference Committee Requested.

Senator Woodruff moved not to concur in the House amendment to S. C. R. No. 5 and to ask for a Free Conference Committee.

Senator Parrish moved as a substitute that the Senate do concur.

The substitute motion was lost by the following vote:

Yeas—10.

Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Holbrook.	Small.
Loy.	Stevenson.

Nays—17.

Beck.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Hornsby.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Absent.

Hopkins.

Absent—Excused.

Cousins. Woodward.  
Martin.

The motion for a Free Conference Committee prevailed.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 51.	H. B. No. 48.
H. B. No. 56.	H. B. No. 55.
H. B. No. 59.	S. C. R. No. 9.
H. B. No. 60.	H. C. R. No. 16.

House Bill No. 61.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Burns of McCulloch:

H. B. No. 61, A bill to be entitled "An Act amending Article 2676 of

the Revised Civil Statutes of Texas, 1925, relative to the election of county school trustees by providing that one of said trustees shall be elected from the county at large by the qualified voters of the common and consolidated independent school districts of the county; providing that the terms of this act shall apply to all counties having not less than ten thousand, two hundred and sixty-two (10,262) and not more than ten thousand, three hundred and forty-nine (10,349) inhabitants by the last preceding Federal census, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 61 was put on its third reading and final passage, by the following vote:

**Yeas—28.**

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.

**Absent—Excused.**

Cousins.	Woodward.
Martin.	

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Loy.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Purl.

Rawlings.	Thomason.
Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.

**Absent—Excused.**

Cousins.	Woodward.
Martin.	

**Senate Simple Resolution No. 28.**

Senator Neal sent up the following resolution:

Whereas, the Democracy of the State and Nation has a challenge to meet at this time in the eminency of the November election, and the forward march of the Party to victory, and

Whereas, Texas is interested as never before in the success of the democratic ticket, because a native Texan, in the person of Hon. John Nance Garner, Speaker of the House of Representatives of the United States, has been selected by the Democracy of the Nation as their standard bearer for Vice-President, with Gov. Franklin D. Roosevelt as Presidential Nominee, and

Whereas, through National Committeewoman, Mrs. Clara Driscoll Sevier, and National Committeeman, Hon. Jed C. Adams, the State is now being organized intensively, from the center of the State as the hub to the remotest precinct, and

Whereas, the National Democratic Headquarters for the campaign are located in the City of Austin, and Mrs. Sevier is now in the city and in touch with said Headquarters, and

Whereas, the interests of the Democratic Party at this time demand a reaffirmation of adherence on the part of every loyal Texan and every true Party man and woman to the democratic principles of Jefferson, Jackson and Wilson, and

Whereas, the open forum provided by our State government in the House of Representatives and the Senate of Texas affords an opportunity for a discussion of all governmental and Party affairs,

Now, therefore, be it Resolved that Mrs. Sevier, Democratic National Committeewoman for Texas, be invited to address the Senate upon Democratic Party matters at such time during the afternoon as the Senate deems it advisable to have her speak.

Be it further Resolved that Hon. Roy Miller, who is the choice of Mrs. Sevier and Mr. Adams as Director of the campaign in Texas, be also invited to appear before the Senate and present the plans of organization in such detail as he may care to do.

NEAL,  
HORNSBY,  
PARR,  
WOODUL,  
HOPKINS.

Read and adopted.

#### House Bill No. 2.

Senator Small called up from the table the Conference Committee report on H. B. No. 2.

#### Recess.

Senator Small moved to recess until 1:30 o'clock p. m.

Senator Stevenson moved as a substitute that the Senate recess until 2 o'clock p. m.

The substitute motion prevailed and at 12:14 o'clock p. m., the Senate recessed.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 2.

The question recurred upon the Conference Committee report on H. B. No. 2.

Senator Purl moved a call of the Senate to obtain and maintain a quorum until the Conference Committee report was disposed of. The motion prevailed.

The report was adopted by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Cousins.

Woodward.

#### Reason for Vote.

My reason for voting yea on Free Conference report to H. B. No. 2, Highway Bond Bill. This bill is not what was promised the taxpayers of Texas, and I do not agree with all of the provisions of this bill, but after long deliberation this seems to be the best we can get, and a half loaf is better than no loaf at all.

LOY.

#### Reason for Vote on Conference Report on House Bill No. 2.

I vote "yea" on the Conference Report on H. B. No. 2 in order that whatever relief this bill gives may be made effective at once. Our people need relief and need it now. It takes 21 votes to put this bill in immediate effect. Many of its erstwhile friends are absent. I would not by my vote delay relief of any kind to the taxpayers.

I do not believe that this bill gives the full measure of relief from highway bonds that the taxpayers were promised. It does not give the relief contained in Senate Bill No. 4, which I introduced and passed through the Senate. As I see this bill, it is written with the idea of saving money to the Highway Department rather than with the idea of giving the greatest possible relief to the taxpayers.

I have felt that the State should pay all indebtedness incurred by counties or road districts by reason of highway construction. I still believe this to be the fair procedure. I have worked to secure such relief. I have prepared and introduced such a bill—the only bill introduced in the Senate on the subject. This bill does not give this relief but it does give some relief, and I want our people to get all the relief they can. If I cannot get a whole loaf I will take a half loaf. I think this bill is a half loaf, but I want to place that half loaf in the hands of the taxpayers as soon as possible and I hope that the Forty-third Legislature will give the other half.

I therefore vote for the bill.

POAGE.

I concur in the above remarks.

PURL.

**Reason for Vote.**

I vote for the passage of the Free Conference Committee Report on House Bill No. 2, realizing that the legislation contained therein is far from perfect. The effect of this bill, in denying the right to appeal, is all wrong. The provision requiring ten (10) year refund bonds should not be in the bill.

PARRISH.

**Reason for Vote.**

I voted for the Conference Report on House Bill No. 2, in spite of the fact that I do not believe that this plan covers the form of relief to the taxpayers as advocated and promised by the Governor in his speech on this subject at Robstown during August of this year, which was in part as follows:

"It will take a heavy load off your tax-ridden backs, as every dollar of the road bonds will be assumed by the State, I always have said the taxpayers should not have built the highways, but that the traffic should have done so, and that is what I am planning to put into effect.

"I want this Session to lift every vestige of road cost and give you a clear deed and a clean title to your roads so that you will never have to pay a dollar on them. And, moreover, I will ask the Regular Session to write it into the Constitution through the submission of an amendment and then subsequent legislation cannot change it at their whim. That will protect you for all time to come and give you good roads built at State expense."

PURL.

**Messages from the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 48 by a vote of 119 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. C. R. No. 5. The following are conferees on the part of the House:

SATTERWHITE,  
WESTBROOK,  
HOWSLEY,  
OLSEN,  
SPARKMAN.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 44, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before December 31, 1932; and providing further that the provisions of this Act releasing interest and penalties shall not apply to cities, towns, and villages unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body by resolution, or ordinance, evidencing such finding and recording the same shall have the authority to put in force and effect the provisions hereof as to such cities, towns, and villages; suspending all laws and parts of laws in conflict herewith during the term this Act is in force; and providing further that, if any section, clause, sentence, paragraph, or part of the Act is adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not effect, impair, or invalidate the remainder of this Act,

repealing S. B. No. 3, passed at the Third Called Session of the Forty-second Legislature, and declaring an emergency, and providing that this Act shall take effect and be in force from and after its passage."

(With amendment.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conference Committee Appointed.

The Chair announced the appointment of the following members of the Conference Committee on S. C. R. No. 5, on the part of the Senate:

WOODRUFF,  
ONEAL,  
HARDIN,  
GAINER,  
SMALL.

#### Mrs. Sevier and Mr. Miller Speak.

The Chair appointed Senators Parr, Hornsby, and Neal to escort Mrs. Clara Driskill Sevier and Mr. Roy Miller to the House.

On motion of Senator Neal, the Senate, at 3:30 o'clock p. m., voted to accept the invitation of the House to hold a joint session for the purpose of hearing Mrs. Sevier and Mr. Miller. The Senate adjourned to the House.

#### House Bill No. 81.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. West of Cameron:

H. B. No. 81, A bill to be entitled "An Act providing that navigation districts organized under the provisions of Section 59 of Article 16 of the Constitution and of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, and Acts amendatory thereof or created, and organized, existing or doing business under a local or special law, and which have voted bonds but have not issued or otherwise finally disposed of same, and all navigation districts which may hereafter be organized hereunder are made self-liquidating in character and self-supporting and may return the construction cost thereof by means of tolls, rents, fees, assessments or other charges or by mortgaging their physical properties; providing for the method and

manner of organization of each district, and establishing their boundaries, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted. Committee Amendment Nos. 1, 2, 3 and 4 were adopted.

Read second time.

Senator Woodul sent up the following amendment:

Amend caption of House Bill No. 81 by adding the following clause after the first word in the last line of the caption, said clause reading as follows:

"and providing a method whereby districts heretofore organized under existing law may avail themselves of the benefits of the provisions of this Act."

WOODUL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.

Absent—Excused.

Cousins.	Woodward.
Martin.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Greer.
Berkeley.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.
Gainer.	Hornsby.



Loy.	Purl.
Moore.	Rawlings.
Neal.	Russek.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.

Absent—Excused.

Cousins.	Woodward.
Martin.	

#### Senate Bill No. 41.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Loy:

S. B. No. 41, A bill to be entitled "An Act to amend Articles 6050, 6058, 6060, as amended, 6066, as amended, Revised Civil Statutes of Texas, 1925, and by adding Articles 6058-a and 6058-b, so as to more clearly define gas utility and to prohibit the raising of gas rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearings; to authorize the Railroad Commission of Texas to make appraisals and audits in incorporated towns and cities of between 500 and 30,000 population; to provide for the necessary funds and organization in carrying out the provisions of this Act, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.  
Read second time.

Committee Amendments Nos. 1, 2, 3 and 4 were adopted.  
Read second time.

Senator Loy sent up the following amendment:

Amend Senate Bill No. 41, Section 4, page 4, by striking out the word "one-half" and inserting in lieu thereof the word "five-thirty-secondths (5/32)" and by striking out the word "three-fourths (3/4)" and inserting in lieu thereof "eight-thirty-secondths (8/32)."

LOY.

The amendment was read and adopted.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 41 by adding a new section to be known as Section 5-a, as follows:

"Section No. 5-a. Before the funds provided hereunder shall become available the Gas Utilities Division of the Railroad Commission shall prepare and file with the Governor and the Board of Control a budget showing the positions created and the salaries to be paid each employee, together with other expenses to be incurred, said budget to be operative and enforceable only until February 28, 1933, on and after which date a copy of said budget shall be filed with the Legislature for approval or disapproval and provided further that no engineer, auditor and/or other employee shall receive a salary in excess of \$350.00 per month and provided that the provisions of this section shall in no wise interfere with any existing contract or contracts now on record for surveys.

MOORE.

PURL.

Read and adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 41, page 5 of the mimeograph copy by striking out in the third paragraph thereof the following words:

"and it is further authorized to make an appraisal of the properties and an audit of the accounts of all gas utilities doing business in or serving incorporated towns and cities of more than 500 population and less than 30,000 population, according to the last Federal Census, for rate making purposes."

And by striking out in the 4th line of said paragraph the figures "500" and inserting in their stead the figures "5,000," and by striking out in the last paragraph on said page the figures "30," and inserting in their stead the figures "5,000."

POAGE.

The amendment was read and adopted.

Senator Hopkins moved to adjourn until 10 o'clock tomorrow morning.

Senator DeBerry moved to adjourn until 9 o'clock tomorrow morning.

The motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

## Yeas—11.

Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Stevenson.
Hopkins.	Thomason.
Neal.	Woodul.
Parr.	

## Nays—12.

Berkeley.	Oneal.
DeBerry.	Poage.
Holbrook.	Pollard.
Hornsby.	Purl.
Loy.	Williamson.
Moore.	Woodruff.

## Absent.

Beck.	Small.
Parrish.	

## Absent—Excused.

Cousins.	Patton.
Cunningham.	Woodward.
Martin.	

Senator DeBerry withdrew his motion to adjourn.

Senator Poage moved a call of the Senate to obtain and maintain a quorum until S. B. No. 41 was passed to engrossment. The motion prevailed by the following vote:

## Yeas—16.

Berkeley.	Oneal.
DeBerry.	Parr.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Small.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.

## Nays—5.

Gainer.	Stevenson.
Hardin.	Woodul.
Pollard.	

## Absent.

Beck.	Parrish.
Cunningham.	Russek.
Hopkins.	

## Absent—Excused.

Cousins.	Patton.
Martin.	Woodward.

The bill was passed to engrossment.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 41 was put on its third reading and final passage, by the following vote:

## Yeas—19.

Berkeley.	Purl.
DeBerry.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Poage.	

## Nays—3.

Greer.	Pollard.
Hardin.	

## Absent.

Beck.	Hopkins.
Cunningham.	Parrish.
Gainer.	

## Absent—Excused.

Cousins.	Patton.
Martin.	Woodward.

## Adjournment.

Senator Pollard moved to adjourn until 9:30 o'clock tomorrow morning. The motion was adopted by the following vote:

## Yeas—12.

Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Parr.	Williamson.
Pollard.	Woodul.

## Nays—11.

Berkeley.	Oneal.
DeBerry.	Poage.
Hornsby.	Purl.
Loy.	Thomason.
Moore.	Woodruff.
Neal.	

## Absent.

Beck.	Gainer.
Cunningham.	Parrish.

## Absent—Excused.

Cousins.	Patton.
Martin.	Woodward.

At 5:43 o'clock p. m., the Senate adjourned.

### APPENDIX.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 9 carefully examined and compared and find same correctly enrolled.  
GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Sept. 15, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Sept. 16, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 29, A bill to be entitled "An Act making it lawful to hunt wild deer with one dog in the counties of San Jacinto, Polk, and Trinity, Texas during the open season of each year for a period of five (5) years and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

MOORE, Chairman.

#### Committee Amendment No. 1.

Amend H. B. No. 29 by striking out the words Trinity, Angelina and Tyler where they appear in the caption and in the body of the bill, and add between the words San Jacinto and Polk the word "and" wherever they appear in the caption and body of the bill.

Committee Room,  
Austin, Texas, Sept. 15, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 81, A bill to be entitled "An Act providing that Navigation Districts organized under the provisions of Section 59 of Article 16 of the Constitution and of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, and Acts amendatory thereof or created, and organized, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

#### Committee Amendment No. 1.

Amend caption of H. B. No. 81 by interlining after the word "Constitution," in the last line on page 2, the words: "authorizing such districts to borrow from the Reconstruction Finance Corporation."

#### Committee Amendment No. 2.

Amend H. B. No. 81, Section 85, by inserting after the word "money," in the first line of said section, the following: "from the Reconstruction Finance Corporation."

#### Committee Amendment No. 3.

Amend H. B. No. 81, by adding a new section, to be numbered 94, reading as follows:

Sec. 94. Any navigation district organized under the provisions of Section 59 of Article 16 or of Section 52 of Article 3, of the Constitution, and not originally coming within the scope hereof, may avail itself of the provisions of this Act to become self-liquidating in character and to be made self-supporting and return the construction cost of its improvements within a reasonable period by means of tolls, rents, fees, assessments, or other charges other than by taxation, in the manner following:

The Board of Navigation and Canal Commissioners of such district shall adopt a resolution declaring that in their judgment it is for the best interests of such district

and will be a benefit to the lands and property included in such district, to avail itself of the provisions of this Act providing for such districts to become self-liquidating in character and to make themselves self-supporting and return the construction cost within a reasonable period by means of tolls, rents, fees, assessments, or other charges other than by taxation, and shall designate in such resolution the sections of this Act of which such district wishes to avail itself. Such resolution shall be entered in the minutes of proceedings of said Board and notice thereof shall be given by publication in a newspaper having general circulation in the county or counties in which the district is situated. Such notice shall be published once each week for two consecutive weeks, and the first publication must appear not less than fourteen full days prior to the time set down for hearing. Said notice shall state the time and place of the hearing and shall set out said resolution in full; it shall notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution. Such hearing may be adjourned from day to day until all interested persons shall have had an opportunity to appear and present testimony. If upon hearing the Board of Navigation and Canal Commissioners shall find that it will be for the best interests of the district to avail itself of the provisions set out in said resolution and would be a benefit to the lands and property situated in said district, then, and in that event, said Board of Navigation and Canal Commissioners shall enter their order so finding. If they find it would not be for the best interests of the district and would not be a benefit to the lands and property situated in the district, they shall so find and enter their order to that effect. The adverse findings of said Board of Navigation and Canal Commissioners shall be final and not subject to appeal or review, and if such finding shall be favorable to the resolution, then said Board of Navigation and Canal Commissioners shall have the same right, power and authority to act under the provisions of this Act so adopted by such resolution as if

such district had originally come within the purview of the Act itself.

#### Committee Amendment No. 4.

Amend H. B. No. 81 by renumbering all sections properly.

Committee Room,

Austin, Texas, Sept. 16, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

S. B. No. 41, A bill to be entitled "An Act to amend Articles 6050, 6058, 6060, as amended, 6066, as amended, Revised Civil Statutes of Texas 1925, and by adding Articles 6058-a and 6058-b, so as to more clearly define gas utility and to prohibit the raising of gas rates in unincorporated towns and in incorporated towns of less than 500 population, etc; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

MOORE, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 41, by adding at the end of Section 5 thereof the following:

"Provided however, that in case any city should not desire to wait until the Commission can furnish to said city said appraisal and audit of the accounts of the gas utility serving said city, then and in that event, the city may proceed with the passage of the ordinance, but the duty shall devolve upon said city to make its own appraisal and audit."

#### Committee Amendment No. 2.

Section 7. If any provision, section, part, sub-section, sentence, clause, phrase or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

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**Committee Amendment No. 3.**

Amend S. B. No. 41, Section 4, Article 6060 line 6, by striking out: "on or before the first day of January of each year," and inserting in lieu therefor the following: "for the quarter ending September 30, 1932."

**Committee Amendment No. 4.**

Amend S. B. No. 41, by adding at the end of Section 5 the following: "provided that not more than one hundred thousand (\$100,000.00) dollars shall be spent for this purpose in any one fiscal year."

**In Memory**  
**of**  
**Dr. Robert Barto Cousins Sr.**

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**Senate Simple Resolution No. 26.**

Senator Parr sent up the following resolution:

Whereas, Since the last session of the Forty-second Legislature this State has lost one of its most distinguished citizens, public officials and educators.

On March 3, 1932, at Kingsville, Texas, Dr. Robert Barto Cousins was called to his eternal resting place.

He was a native of Georgia, but in early manhood came to Texas and soon became an outstanding and conspicuous leader in the educational affairs of his adopted State. He first entered his career as a public educator in the schools of Mexia, Texas. In 1905 he became State Superintendent of Public Instruction, serving the State in that capacity until 1910. At the time of his death he was President of the College of Arts and Industries at Kingsville, Texas, which position he accepted in 1924.

His services as an educational leader and executive won for him friends and admirers by the thousands. He spent forty years of his life in the service of public education.

In his passing, the cause of public education in Texas has suffered an irreparable loss.

Resolved, That the Senate of Texas express its appreciation of the distinguished services of Dr. Robert Barto Cousins, Sr., and its profound regret for the loss this State has sustained.

Resolved Further, That a copy of this resolution be forwarded by the Secretary of the Senate to the family of Dr. Robert Barto Cousins, Sr., and that a page of the Senate Journal be set aside in honor of his memory.

PARR,  
BECK,  
BERKELEY,  
COUSINS,  
CUNNINGHAM,  
DeBERRY,  
GREER,  
GAINER,  
HARDIN,  
HOLBROOK,  
HOPKINS,

HORNSBY,  
LOY,  
MARTIN,  
MOORE,  
NEAL,  
ONEAL,  
PARRISH,  
PATTON,  
POAGE,  
POLLARD,  
PURL,

RAWLINGS,  
RUSSEK,  
SMALL,  
STEVENSON,  
THOMASON,  
WILLIAMSON,  
WOODRUFF,  
WOODUL,  
WOODWARD,  
WITT, Lieut-Gov.

Read and adopted unanimously by a rising vote.